

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLAUDIA VIANEY GALLARDO
GALVAN,

Plaintiff,

v.

TACOS EL GRULLENSE C&D, INC., et
al.,

Defendants.

Case No. 23-cv-04986-KAW

ORDER TO SHOW CAUSE

Re: Dkt. No. 38

On September 28, 2023, Plaintiff Claudia Vianey Gallardo Galvan filed the instant case against Defendants Tacos El Grullense C&D, Inc. and TEG-CKD Inc.¹ (Compl., Dkt. No. 1.) On July 29, 2024, the Court granted Attorney James M. Dore's motion to withdraw his firm as counsel for Plaintiff. (Dkt. No. 35.) The motion to withdraw was based on the complete lack of communication between Attorney Dore and Plaintiff, despite almost thirty attempts by Attorney Dore to contact Plaintiff. (*See id.* at 1.)

Following Attorney Dore's withdrawal as counsel, the Court received no filings from Plaintiff. On September 6, 2024, the Court issued an order requiring Plaintiff to file a status report explaining whether she intended to proceed with the case. (Dkt. No. 38.) Plaintiff's status report was due by October 4, 2024. The Court warned: "Failure to timely comply will result in the Court issuing an order to show cause as to why the case should not be dismissed for failure to prosecute." (*Id.*) On September 10, 2024, Attorney Dore filed a certificate of service as to the Court's September 6, 2024 order. (Dkt. No. 39.)


¹ The case was also filed on behalf of Ramon Lopez Vazquez, who has since settled his case and dismissed his claims. (*See* Dkt. No. 41.)

1 To date, Plaintiff has not responded to the status report order. Accordingly, the Court
2 ORDERS Plaintiff to show cause, by **December 13, 2024**, why the case should not be dismissed
3 by: (1) explaining whether she intends to proceed with the case, and (2) explaining why she failed
4 to comply with the Court's September 6, 2024 order. Failure to timely comply **will** result in the
5 Court dismissing the case for failure to prosecute. *See Link v. Wabash R. Co.*, 370 U.S. 626, 630-
6 31 (1962) ("authority of a court to dismiss sua sponte for lack of prosecution has generally been
7 considered an 'inherent power'").

8 Attorney Dore is directed to serve this order on Plaintiff by e-mail and mail and to file a
9 proof of service within **seven days** of the date of this order.

10 IT IS SO ORDERED.

11 Dated: November 18, 2024

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13 KANDIS A. WESTMORE
14 United States Magistrate Judge
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